

## **TITLE 329 SOLID WASTE MANAGEMENT BOARD**

### **Proposed Rule** LSA Document #09-206

#### **DIGEST**

Adds 329 IAC 3.1-6-9 to conditionally exclude from regulation under 329 IAC 3.1 (delist) wastewater treatment sludge from electroplating operations, hazardous waste code F006, that was generated by Rumpke of Indiana, LLC and placed in a corrective action management unit (CAMU) constructed adjacent to Medora Sanitary Landfill, Medora, Indiana. Effective 30 days after filing with the Publisher.

#### **HISTORY**

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period: April 8, 2009, Indiana Register (DIN: 20090408-IR-329090206FDA).

Notice of First Hearing: April 8, 2009, Indiana Register (DIN: 20090408-IR-329090206PHA).

Change in Notice of First Hearing: April 22, 2009, Indiana Register (DIN: 20090422-IR-329090206CHA).

Date of First Public Hearing: July 21, 2009.

#### **PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)**

[IC 13-14-9-4.5](#) states that a board may not adopt a proposed rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-7](#), until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on April 8, 2009 (DIN: 20090408-IR-329090206FDA), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this rule.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD**

IDEM requested public comment from April 8, 2009, through May 8, 2009, on IDEM's draft rule language. No comments were received during the comment period.

#### **SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST PUBLIC HEARING**

On July 21, 2009 the Solid Waste Management Board (board) conducted the first public hearing/board meeting concerning the development of new rules at 329 IAC 3.1-6-9. IDEM received comments from the following parties:

Mr. Ernie Smith, Cummins Engine Company

*Comment:* Was the chromium concentration within the treatment sludge naturally attenuated over time or is there a formal processing procedure in place?

*Response:* The metals would probably not be attenuated, but the waste is in a corrective action management unit (CAMU) which is a hazardous waste cell built to the hazardous waste landfill standards. Therefore, it is self-contained within the CAMU, and not a threat to the surrounding area.

### **329 IAC 3.1-6-9**

SECTION 1. 329 IAC 3.1-6-9 IS ADDED TO READ AS FOLLOWS:

**329 IAC 3.1-6-9 Waste excluded from regulation; Rumpke of Indiana, LLC, Medora Sanitary Landfill, Medora, Indiana**

**Authority: IC 13-14-8; IC 13-14-9-7; IC 13-22-2**

**Affected: IC 13-22**

**Sec. 9. Wastewater treatment sludge, hazardous waste code F006, disposed of in a corrective action management unit (CAMU) adjacent to the Medora Sanitary Landfill, Medora, Indiana and managed by Rumpke of Indiana, LLC (Rumpke), is excluded from regulation under this article.**

*(Solid Waste Management Board; 329 IAC 3.1-6-9)*